

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Inventor: John C. Hill

Docket No. FLORA.1300

Serial No. 10/611,775

Examiner: ISIS GHALI

Filing Date: 06/30/2003

Art Unit: 1611

Title: **HIGH UNSAPONIFIABLES AND METHODS OF
USING THE SAME**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to "Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on:

Date: _____

By: _____

Printed Name: _____

**AFFIDAVIT
PURSUANT TO 37 C.F.R. §1.132**

Assistant Commissioner of Patents
Alexandria, VA 22313-1450

Dear Assistant Commissioner:

STATE OF ARIZONA)

COUNTY OF MARICOPA)

I, Douglas W. Gilmore, being duly sworn, depose and say as follows:

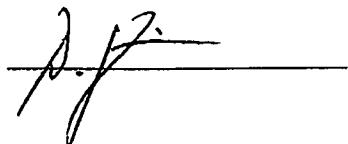
I am currently the Vice President and General Counsel of International Flora Technologies, Ltd., which has a general place of business at 291 East El Prado Court, Chandler, Arizona, 85225, USA (hereinafter "Floratech"). Floratech is assignee of record of the instant application, U.S. Patent Application Serial No. 10/611,775, as recorded in The United States Patent Office at Reel 018006, Frame 0372 on 07/26/2006.

I have extensively reviewed US 2004/00228641 to Barone *et al.* ("the Barone *et al.* reference"). The hydrolyzed jojoba ester described in the Barone *et al.* reference, in particular on page 2, paragraphs 0012-0013, is manufactured and sold by Floratech under *inter alia* the trade name FLORAESTERS ® K100. Indeed, the Barone *et al.* reference confirms this in paragraph 0013. Moreover, these hydrolyzed jojoba esters are the subject of the following U.S. patents and pending patent applications, all of which have been assigned to Floratech:

- U.S. Patent No. 7,435,424, entitled "High unsaponifiables and methods of using the same" to Copeland *et al.* issued on 10/14/2008 and assigned to Floratech at Reel 010518, Frame 0191 on 01/03/2000.
- U.S. Patent Application Serial No. 10/611,775 entitled "High unsaponifiables and methods of using the same" to Hill *et al.*, filed on 06/30/2003 and assigned to Floratech as indicated above.
- U.S. Patent Application Serial No. 12/203,004, entitled "Improved Binding and Rinse-Off of Quaternary Ammonium Compounds for Cosmetic and Personal Care Applications" to Brown *et al.*, filed 09/02/2008 and assigned to Floratech.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the subject patent application or any patent issued thereon.

I further declare that I have received no special compensation or consideration for making this affidavit, nor have I been in any way told, either directly or by implication or inference, by anyone that my employment by International Flora Technologies, Inc., or my professional advancement or other matters of personal or professional interest to me depend in any way on whether or not I make this affidavit or the content thereof. I further declare that I make this affidavit of my own free will and choice without any duress or influence of any kind, believing fully in the truth of the statements made by myself herein.



Douglas W. Gilmore

I, CAROL HYNES, a Notary Public in and for the County and State aforesaid, do hereby certify that Douglas W. Gilmore, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledge that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notary Seal this 14th day of JAN 2009.

My commission expires on Nov. 29, 2011

SEAL

